

REMARKS

Claims 1-20, 23-25 and 36-87 are pending in this application. By this Amendment, claims 1-7, 12-18, 20, 24 and 25 are amended, claim 22 is canceled, and claims 36-87 are added. Reconsideration based on the above amendments and following remarks is respectfully requested.

Applicant gratefully acknowledges the Office Action's indication that claims 12-18 include allowable subject matter.

I. All Claims Define Patentable Subject Matter

The Office Action rejects claims 1-10 and 19-22 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,486,866 to Kuwahara et al. (hereinafter "Kuwahara"); and claims 11 and 23-25 under 35 U.S.C. §103(a) as unpatentable over Kuwahara in view of U.S. Patent No. 6,052,287 to Palmer (hereinafter "Palmer"). The rejections are respectfully traversed.

Kuwahara does not qualify as prior art under any section of 35 U.S.C. §102, and thus cannot be applied as the basis of a §102 or §103 rejection. Specifically, the U.S. filing date of Kuwahara is November 3, 1999. However, the present application claims priority from U.S. Provisional Application No. 60/156,432, filed September 28, 1999, which predates the U.S. filing date (and issue date) of Kuwahara. All of the rejected claims of the present application are supported in the provisional application, as confirmed in the attached table.

Because Kuwahara does not qualify as prior art under any section of 35 U.S.C. §102, the anticipation rejection should be withdrawn. In addition, Kuwahara cannot be used as prior art under 35 U.S.C. §103(a) because "before answering Graham's 'content' inquiry, it must be known whether a patent or publication is in the prior art under 35 U.S.C. §102."

Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1568, 1 USPQ2d 1593, 1597 (Fed. Cir.). Thus, the §102 and §103 rejections based on Kuwahara should be withdrawn.

Claim 1 was previously amended to include features of original claim 21 in response to a rejection based on Kuwahara. This amendment was erroneous because, as described above, Kuwahara does not constitute prior art. Thus, claim 1 is amended to be in its original form and should be construed, literally and under the doctrines of equivalents and prosecution history estoppel, as if it had never been amended.

Claims 2-7, 12-18, 20, 24 and 25 are amended without narrowing, for clarity purposes only.

Claims 36 and 37 are added to recite the features of previously canceled claim 21 and newly canceled claim 22, respectively. New claims 38-87 recite further features of the invention. Support for these features is found in the specification of this application, as well as in Provisional Application No. 60/156,432.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Claims Support Table
Amendment Transmittal

Date: November 10, 2003

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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NOV 10 2003

Application No. 09/667,807

Attachment

Support for claims 1-20 and 23-27 in Provisional Application 60/156,432

Claim Number	Support for Claim Features in Provisional Application 60/156,432
Claim 1	(1) "12-7-98" presentation slides: at least at page 2; Figure on page 3; (2) "4-15-99" presentation slides: pages 2 and 3
Claim 2	(1) "12-7-98" presentation slides: at least at page 2; Figure on page 3; (2) "4-15-99" presentation slides: page 3
Claim 3	(1) "12-7-98" presentation slides: at least at page 2, 3 rd bullet point; Figure on page 3; (2) "4-15-99" presentation slides: page 3
Claim 4	(1) "12-7-98" presentation slides: at least at page 2, 3 rd bullet point; Figure on page 3; (2) "4-15-99" presentation slides: page 3
Claim 5	(1) "12-7-98" presentation slides: at least at page 2, 3 rd and 5 th bullet points; Figure on page 3; (2) "4-15-99" presentation slides: page 3
Claim 6	(1) "12-7-98" presentation slides: at least at page 2, 2 nd bullet point; Figure on page 3; (2) "4-15-99" presentation slides: page 3
Claim 7	(1) "12-7-98" presentation slides: at least at Figure on page 3; sub-bullet on page 6 (2) "4-15-99" presentation slides: page 3
Claim 8	(1) "12-7-98" presentation slides: at least at page 2, 1 st bullet point; Figure on page 3; sub-bullet on page 6 (2) "4-15-99" presentation slides: page 3
Claim 9	(1) "12-7-98" presentation slides: at least at page 2, 8 th bullet point;
Claim 10	(1) "12-7-98" presentation slides: at least at page 2, 1 st bullet point;
Claim 11	(1) "12-7-98" presentation slides: at least at Figure on page 3; and page 6;
Claim 12	(1) "4-15-99" presentation slides: page 3
Claim 13	Provisional Application: (1) "4-15-99" presentation slides: page 3
Claim 14	Provisional Application: (1) "4-15-99" presentation slides: page 3
Claim 15	Provisional Application: (1) "4-15-99" presentation slides: page 3
Claim 16	Provisional Application: (1) "12-7-98" presentation slides: at least at Figure on page 3; and Figure on page 4
Claim 17	Provisional Application: (1) "12-7-98" presentation slides: at least at Figure on page 3; and Figure on page 4
Claim 18	Provisional Application: (1) "12-7-98" presentation slides: at least at Figure on page 3; and Figure on page 4 (2) "4-15-99" presentation slides: page 4
Claim 19	Provisional Application: (1) "4-15-99" presentation slides: page 3
Claim 20	Provisional Application: (1) "12-7-98" presentation slides: at least at page 5
Claim 23	Provisional Application: (1) "12-7-98" presentation slides: at least at page 2, 2 nd bullet point; Figure on page 3;
Claim 24	Provisional Application: (1) "4-15-99" presentation slides: page 3
Claim 25	Provisional Application: (1) "4-15-99" presentation slides: page 3
New Claim 36	Provisional Application: (1) "12-7-98" presentation slides: at least at page 2, 6 th bullet point; Figure on page 3;
New Claim 37	Provisional Application: (1) "12-7-98" presentation slides: at least at Figure on page 3;

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